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DATE MAILED: 05/06/2003

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/838,618 04/19/2001 Brett T. Haarala BSC-165 3578 21323 05/06/2003 TESTA, HURWITZ & THIBEAULT, LLP EXAMINER HIGH STREET TOWER BUECHNER, PATRICK M 125 HIGH STREET BOSTON, MA 02110 ART UNIT PAPER NUMBER 3754

Please find below and/or attached an Office communication concerning this application or proceeding.

A.	_				
- "		Application No.	Applicant(s)		
Office Action Summary		09/838,618	HAARALA ET AL.	K	
		Examiner	Art Unit	,	
· · -	The MANUFACE DATE of this communication of	Patrick M Buechner	3754		
Period f	The MAILING DATE of this communication a or Reply	ppears on the cover sneet with	the correspondence add	iress	
THE - External control	HORTENED STATUTORY PERIOD FOR REP MAILING DATE OF THIS COMMUNICATION ensions of time may be available under the provisions of 37 CFR of SIX (6) MONTHS from the mailing date of this communication. The period for reply specified above is less than thirty (30) days, a rest of period for reply is specified above, the maximum statutory period ure to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mained patent term adjustment. See 37 CFR 1.704(b).	I. 1.136(a). In no event, however, may a replepty within the statutory minimum of thirty (but will apply and will expire SIX (6) MONTHUTE, cause the application to become ABAN	ly be timely filed 30) days will be considered timely IS from the mailing date of this co NDONED (35 U.S.C. § 133).	mmunication.	
1)🖾	Responsive to communication(s) filed on 24	<u>4 March 2003</u> .			
2a)⊠	This action is FINAL . 2b)	This action is non-final.			
3)	Since this application is in condition for allocalosed in accordance with the practice under			e merits is	
Disposit	tion of Claims				
4)⊠ Claim(s) <u>1-60</u> is/are pending in the application.					
	4a) Of the above claim(s) <u>1-42 and 47-60</u> is/are withdrawn from consideration.				
5)	5) Claim(s) is/are allowed.				
′	6)⊠ Claim(s) <u>43-46</u> is/are rejected.				
	Claim(s) is/are objected to.				
• —	Claim(s) are subject to restriction and tion Papers	/or election requirement.			
	The specification is objected to by the Examil	ner			
/	The drawing(s) filed on is/are: a) acc		e Examiner		
10)	Applicant may not request that any objection to				
11)🛛	The proposed drawing correction filed on 24 i		•	e Examiner.	
,	If approved, corrected drawings are required in				
12)	The oath or declaration is objected to by the B	Examiner.			
Priority	under 35 U.S.C. §§ 119 and 120				
13)	Acknowledgment is made of a claim for foreign	ign priority under 35 U.S.C. §	119(a)-(d) or (f).		
a)) All b) Some * c) None of:				
1. Certified copies of the priority documents have been received.					
	2. Certified copies of the priority documents have been received in Application No				
	3. Copies of the certified copies of the praphication from the International E	Bureau (PCT Rule 17.2(a)).		Stage	
	See the attached detailed Office action for a li Acknowledgment is made of a claim for dome	·		annlication)	
•	a) \square The translation of the foreign language $\mathfrak p$			application).	
15)	Acknowledgment is made of a claim for dome				
Attachme		_			
2) Noti	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) rmation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Inf	mmary (PTO-413) Paper No(: formal Patent Application (PTC		
S Patent and	Trademark Office			 _	

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DETAILED ACTION

Information Disclosure Statement

1. Signed copies of all of the information disclosure statements (IDS) are included with this Office action.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 3/24/2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. Claims 43, 44 and 46 are rejected under 35 U.S.C. 103(a) as unpatentable over Figure 9 of Desai (US 5,857,464) in view of Leidich (US 584,091).

Figure 9 of Desai clearly discloses all limitations of claims 43, 44 and 46 with the exception of a generally hemispherical portion.

Leidich teaches a valve with a compound slit in a hemispherical portion (A).

While the valve of Leidich is for beer taps it functions in the same way as the valve of Desai, that is the valves are both actuated by pressure on the internal surface of the valve (Desai by fluid pressure, Leidich by pressure from tube 6). So, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the valve of Desai with the structure of the valve as taught by Leidich.

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Doing so would help to create an absolute seal as both the valves of Desai and Leidich are kept closed in part by the external pressure on the valves and the valve of Leidich has more external surface area, which means greater pressure on the external surface area, which means a greater closing force and a better seal.

5. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desai in view of Leidich and further in view of Phelps et al. (US 6,419,659).

Desai in view of Leidich discloses all the limitations of claim 45 with the exception of a collar disposed at the distal end of the catheter.

Phelps et al. teaches a catheter (10) with a collar (46) disposed adjacent its distal most end.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the catheter of Desai as modified by Leidich with a collar as taught by Phelps et al.

Doing so would provide an attending physician with means for determining the location of the catheter by magnetic or electromagnetic means (Phelps column 4, lines 30-35).

Response to Arguments

6. Applicant's arguments with respect to claims 43-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick M Buechner whose telephone number is (703) 308-2602. The examiner can normally be reached on 7:00am-4:30pm M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (703) 308-2696. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

PB

May 2, 2003

5/2/03

Luc Dan oue

Gene Mancene Supervisory Patent Examiner Group 3700